STATE OF MICHIGAN

COURT OF APPEALS

MARC PAUL and THERESA PAUL, Plaintiffs-Appellees,	UNPUBLISHED October 27, 2009
v	No. 288060 Ogemaw Circuit Court
TERRANCE JOHN CARROLL, Defendant-Appellant.	LC No. 07-656228-CH

Before: Hoekstra, P.J., and Bandstra and Servitto, JJ.

MEMORANDUM.

Defendant appeals as of right the trial court's September 17, 2008 judgment in plaintiffs' favor, determining that plaintiffs had an easement over a portion of defendant's land. This appeal having been abandoned, we affirm.

This dispute arose from a conflict over the Carroll trail, a winding two-track trail that crosses the western side of defendant's land and leads to plaintiffs' property. Plaintiffs' property is landlocked and can only be reached by means of the private trial that crosses defendant's (and several other owners') land. Plaintiffs, as well as their predecessors in interest, had always used the Carroll trail as the sole means of ingress and egress to their property. They believed they had the legal right to use the trial due to a recorded easement in the chain of title to the property, and because it was the only access point to the property. In 2006, defendant placed a cable across the trail, preventing plaintiffs from using the same to access their property. Plaintiffs thereafter initiated the instant quiet title action against defendant, claiming a prescriptive easement and further claiming that defendant tortiously interfered with their property rights.

Plaintiffs filed a motion for partial summary disposition, asserting that there was no issue of fact that plaintiffs obtained a prescriptive easement over defendant's property. Defendant moved for summary judgment in his favor, claiming that any use of the trail over his land was permissive in nature and thus could not give rise to a prescriptive easement. The trial court denied both motions and the matter proceeded to a bench trial.

After the bench trial, the court entered a judgment, finding that while plaintiffs did not establish a prescriptive easement, the recorded express right of way had ripened into a negative reciprocal easement extending through defendant's land. Further, the court found that all the parties—grantors and grantees—were bound by the easement to allow each other to use the trail.

In his questions presented, defendant states that the issue for appeal is whether, as the trial court found, the right of way created a reciprocal negative easement. He has not, however, provided any argument in his brief that addresses the issue stated. Defendant's sole argument and analysis in his brief is a challenge to the existence of a prescriptive easement (which is different than a reciprocal negative easement[1])--an issue not set forth in his question presented, MCR 7.212(C)(5), and which addresses a matter on which defendant actually prevailed below. An issue not raised in a party's questions presented is deemed abandoned on appeal. *Ypsilanti Fire Marshal v Kircher* (*On Reconsideration*), 273 Mich App 496, 553; 730 NW2d 481 (2007), citing MCR 7.212(C)(5). Additionally, an issue is considered abandoned on appeal if the party raising it fails to present a meaningful argument or offer any authority on that point. *Berger v Berger*, 277 Mich App 700, 712; 747 NW2d 336 (2008). Consequently, because the argument presented has not been properly raised and the issue presented has not been properly addressed, we consider this appeal to have been abandoned.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Richard A. Bandstra
/s/ Deborah A. Servitto

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[1]An easement by prescription results from use of another's property that is open, notorious, adverse, and continuous for a period of fifteen years. *Plymouth Canton Community Crier, Inc v Prose*, 242 Mich App 676, 679; 619 NW2d 725 (2000). The essential elements of a reciprocal negative easement, on the other hand, are "(1) a common grantor; (2) a general plan; and (3) restrictive covenants running with the land in accordance with the plan and within the plan area in deeds granted by the common grantor." *Cook v Bandeen*, 356 Mich 328, 337; 96 NW2d 743 (1959); see also *Civic Ass'n of Hammond Lake v Hammond Lake Estates No. 3 Lots 126-135*, 271 Mich App 130, 137; 721 NW2d 801 (2006). It is an equitable doctrine "based upon the fairness inherent in placing uniform restrictions upon the use of all lots similarly situated." *Id.* (internal quotation omitted).